

FILED**06/21/2023**U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
Roger A.G. Sharpe, ClerkUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	Cause No. 1:21-cr-0338-MPB-MJD
ALFRED CUNNINGHAM,)	
)	
Defendant.)	

STIPULATED FACTUAL BASIS

The parties stipulate and agree that the following facts establish a factual basis for the defendant's plea of guilty to the offenses set forth in the Indictment and that the Government would be able to establish the following facts beyond a reasonable doubt in the event this cause was to proceed to trial. The following information is only a summary of the Government's evidence.

A. January 16, 2021: Dollar General - 7222 Rockville Road, Indianapolis, Indiana

On January 16, 2021, at about 8:50 p.m., Indianapolis Metropolitan Police Department (IMPD) officers were dispatched to the Dollar General store located at 7222 Rockville Rd., Indianapolis, Indiana on the report of an armed robbery of the business. Officers arrived on the scene and spoke to the store manager (Victim Employee #1). Victim Employee #1 said a black male entered the store carrying a yellow plastic Dollar General bag and approached the counter. A second black male then entered the store and both males (the robbers) pulled out and pointed handguns at the store's employees.

One of the robbers stayed with Victim Employee #1 while the second robber walked toward the rear of the business, approached a second employee (Victim Employee #2) and forced her at gunpoint to the front of the business. Victim Employee #2 was told to open the safe behind the front counter and remove the money. Victim Employee #1 was told to open the register and remove the money. The victim employees both complied with the robbers' demands. The victim employees were forced at gunpoint to the center of the store and forced to lay on the floor. Victim Employee #1's cellular telephone and wallet, which contained identification and credit cards, were taken from him by one of the robbers.

An IMPD Evidence Technician responded to the Dollar General. The IMPD Evidence Technician dusted and recovered fingerprints from a Newport cigarette box. The prints were submitted to the IMPD Latent Print Unit. The prints were later identified as belonging to Alfred J. Cunningham Jr.

B. January 20, 2021: Phillips 66 - 6455 W. Washington Street, Indianapolis, Indiana

On January 20, 2021, at about 8:25 PM, IMPD officers were dispatched to the Phillips 66 located at 6455 W. Washington Street, Indianapolis, Indiana on report of an armed robbery. IMPD officers responded to the scene and learned there was a lone employee (Victim Employee #3) working in the store when the robbers entered the store. Victim Employee #3 described the robbery, stating that the robbers walked directly to the side counter and jumped over the counter. Each of the two robbers pointed a semiautomatic pistol at Victim Employee #3 and they yelled "give up the money" as they pointed the guns. Victim Employee #3 opened the register, removed the cash, and handed it to the robbers.

The robbers then began ordering Victim Employee #3 to open the safe. Victim Employee #3 told the robbers that the store did not have a safe. However, the robbers forced Victim Employee #3 into the office and again ordered him to open the safe. Victim Employee #3 again stated there was no safe and opened a file cabinet. The robbers then ran from the store with cash from the register.

C. February 4, 2021: Dollar General - 5519 W. Washington Street, Indianapolis, Indiana

On February 4, 2021, at 8:27 PM, officers with IMPD were dispatched to 5519 W. Washington Street, Dollar General, after a robbery was reported. Upon arrival, IMPD officers confirmed a robbery had occurred and obtained a description of the robber. A description of the robber was broadcast on the IMPD district radio channel for other IMPD officers in the area.

IMPD Detectives on the scene observed the video surveillance from the Dollar General. Detectives observed a black male with red pants, white T-shirt over top of a red long-sleeved shirt, and a black mask walk into the store. The robber was observed looking around the store. The robber then approached the register and pulled out a firearm and pointed it at the employees.

The robber pushed the manager (Victim Employee #4) down to the ground. The robber then pointed the firearm at another employee, (Victim Employee #5). Next, Victim Employee #5 opened the safe. As this was happening, a customer walked into the store. The customer laid down on the ground after approaching the robber with the firearm and realizing that a robbery was occurring.

After the register was opened, the robber emptied the cash from the drawer. Victim Employee #5 opened the safe and removed a plastic container containing cash and receipts. The robber took the container and fled the store.

D. Apprehension and Interview

Later that day, at around 8:45pm, Officer Demarqueis Harvey with IMPD was in a fully marked police vehicle near the 5600 block of Ray Street. Officer Harvey observed a black male wearing red jogging pants and a neck gator on his neck. Officer Harvey stopped and exited the vehicle. Officer Harvey asked the black male to come towards him. Officer Harvey asked the individual to place his hands behind his back and notified other officers, by way of broadcasting over his IMPD radio, of the detention of an individual matching the description of the earlier robbery suspect.

Officer Harvey began to place handcuffs on the male, but the male turned around and attempted to fight Officer Harvey. After a brief struggle, Officer Harvey was able to secure the male, later identified as Alfred Cunningham. Officer Harvey located a black handgun (Taurus 9mm, serial #TJ0489550) in his right pants leg around his ankle. ~~This is the firearm referenced in the forfeiture section of this Plea Agreement.~~ ^{with} The black Taurus handgun was loaded with a total of 6 rounds and did have one round in the chamber. Officer Harvey also located a plastic container with an undetermined amount of US Currency inside his pants. Also recovered on Cunningham's person were a black ski mask, black rubber glove, grey cloth glove, and some receipts. Detectives confirmed that the plastic container was the same plastic contained removed from the Dollar General safe earlier that night.

Detectives transported Cunningham to the Indianapolis City-County Building for an interview. Cunningham was placed inside an interview room and agreed to waive his Miranda rights and speak with IMPD Detectives.

Cunningham admitted to committing the Dollar General Robbery earlier that evening. Cunningham stated that he went into the store and walked around the interior to confirm that no customers were inside the store prior to committing the robbery. Cunningham said, after a

while, he approached the counter and told the employee there to open the register and the safe. Cunningham stated that one employee opened the safe, removing a plastic container with money in it, and the other employee handed him the money from the register. After obtaining the money, Cunningham ran from the store. Cunningham admitted that he had the firearm during the robbery. Cunningham said the gun was in the waist band of his pants and that he had his hand on the gun but stated the firearm was not pointed at anybody.

Detectives then questioned Cunningham about other robberies they believed him to have committed. Cunningham admitted to having committed the robbery of the Dollar General located at 7222 Rockville Rd., Indianapolis, Indiana on January 16, 2021. Cunningham also admitted to committing the robbery of the Phillips 66 located at 6455 W. Washington Street, Indianapolis, Indiana on January 20, 2021.

Indianapolis, Indiana is within the Southern District of Indiana.

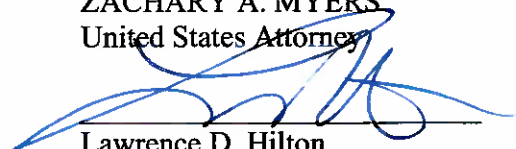
Respectfully submitted,

6/21/23
DATE

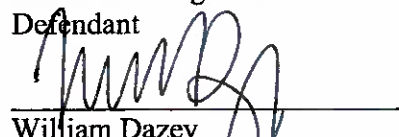
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Alfred Cunningham
Alfred Cunningham
Defendant


William Dazey
Counsel for Defendant